.535

Instrument Prepared By Va Gas & Dil Beary

VIRGINIA:

BOOK 528 PAGE 639

ENTERED

### BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER VGOB-00-1121-0844

ELECTIONS: UNIT EE-6 (herein "Subject Drilling Unit")

### REPORT OF BOARD

### FINDINGS AND ORDER

This Supplemental Order is entered by the Board *sua sponte* in the form authorized by the Board at hearings held on February 15, 1994 and June 16, 1992; and this Supplemental Order is being recorded for the purpose of supplementing the Order previously in the captioned matter on March 2, 2001 which was recorded at Deed Book 520, Page 379 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, on March 7, 2001, (herein "Board Order") and completing the record regarding elections.

Findings: The Board finds that:

The Board Order directed Consol Energy Inc. (herein "Designated Operator") to mail copies of the Board Order to all Respondents whose interests, if any, were pooled by the said Board Order;

The Designated Operator filed its affidavit of elections disclosing that it had mailed a true and correct copy of the Board's Order to all Respondents whose interests, if any, were pooled by said Board Order;

The Board Order required each Respondent whose interests, if any, were pooled by the terms of said Board Order to make an election within thirty (30) days after the date of mailing or recording, as applicable, of said Order; the affidavit of elections filed herein and annexed hereto as Exhibit A states: (i) whether each Respondent has made or failed to make a timely election; (ii) the nature of any election(s) made; and (iii) whether, by reason of a failure to elect or to timely elect one or more Respondents are deemed, under the terms of the Board's Order, to have leased all their rights, title, interests, estates and claims in Subject Drilling Unit to the Applicant;

That the affidavit of elections annexed hereto with the Exhibits submitted therewith identifies the Respondent(s) making a timely election, if any; identifies the Respondent(s), if any, who are deemed to have leased; identifies the conflicting interests and claims which require escrow; identifies the interests and claims, if any, requiring escrow under Virginia Code section 45.1-361.21.D.; and identifies the Respondents, if any, who may be dismissed by reason of having leased or entered into a voluntary agreement with the Applicant.

The affidavit of elections indicates that the escrow of funds is required with regard to Unit EE-6;

Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, First Union National Bank, Corporate Trust PA1328,123 Broad Street, Philadelphia, PA 19109-1199, Telephone: (215) 985-3485 or (800) 664-9359, Attn: Don Ballinghoff, or any successor named by the Board to establish interest bearing escrow account(s), IRS Tax Identification Number 54-1629506, in accordance with the information set forth in the affidavit of elections with Exhibits thereto, to receive funds and account to the Board therefore.

Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned Order or shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that a true and correct copy of this Order was mailed to each Respondent whose interests or claims are subject to escrow and whose address is known within seven seven (7) days from the date of receipt of this Order.

<u>Conclusion:</u> Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

and IT IS SO ORDERED. Effective Date: This Order shall be effective on the date of its execution. DONE AND EXECUTED this 2672 day of \_\_\_\_\_\_\_ Virginia Gas and Oil Board. Chairman, Bengy R. Wampley STATE OF VIRGINIA COUNTY OF WISE Acknowledged on this Ziet day of \_\_\_\_\_\_\_\_, 2001, personally before me a notary public in and for the Commonwealth of Virginia appeared Benny R. Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so. Susan G. Garrett My commission expires: 7-31-02 DONE AND PERFORMED THIS 2 day of A 06057 , 2001, by Order of the Board. Director of the Division of Gas & Oil Board and Principal Executive to the Board STATE OF VIRGINIA **COUNTY OF WASHINGTON** day of way us T Acknowledged on this notary public in and for the Commonwealth of Virginia, appeared B. R. Wilson, being duly sworn did depose and say that he is Acting Principal Executive to the Staff, Virginia Gas and Oil Board, that he executed the same and was authorized to do so. Diane J. Davis, Notary My commission expires: 9/30/200

VIRGINIA:

### Exhibit A

### BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of BUCHANAN PRODUCTION CO. for Forced Pooling of Interests in CBM Unit EE-6 VGOB-00-1121-0844 in the Garden District of Buchanan County, Virginia

AFFIDAVIT OF Consol Energy Inc. (herein "Designated Operator") REGARDING ELECTIONS, ESCROW AND SUPPLEMENTAL ORDER

Leslie K. Arrington, being first duly sworn on oath, deposes and says:

That your affiant is employed by Consol Energy Inc., as a Gas Engineer and is duly authorized to make this affidavit on behalf of the designated operator,

That the Order entered on March 2, 2001, by the Virginia Gas and Oil Board (hereinafter "Board") regarding the captioned CBM Unit required the Applicant to mail a true and correct copy of said Order to each person pooled by the Order;

That within seven (7) days of receipt of an executed copy of the Order referred to at paragraph 2. above, your affiant caused a true and correct copy of said Order to be mailed via the United States Postal Service to each Respondent named in the captioned Application, whose address was known, and to all persons, if any, who were added as Respondents at the hearing held in the captioned matter; that proof of such mailing has previously been tendered to the Division of Gas and Oil, the Office of the Gas and Oil Inspector, at Abingdon, Virginia;

That the Order of the Board in the captioned matter required all persons pooled thereby to tender their written elections to the Unit Operator within thirty (30) days of the date the Order was recorded in the county identified above; that said Order was recorded on March 7, 2001;

That the designated operator Consol Energy Inc. has established procedures to review all mail received and all written documents received other than by mail to ascertain whether parties whose interests have been pooled have made a written election, in a timely fashion, as required by the captioned Order; that said procedures were followed to identify the elections, if any, made with regard to the Subject Unit; that the following persons delivered, by mail or otherwise, written elections the Unit Operator, within the thirty day elections period:

None.

That Respondents identified in Exhibit B-3 hereto are, having failed to make any election, deemed to have leased their coalbed methane rights, interests and claims to Applicant, all as provided in the Board's Order of March 2, 2001;

See Attached Exhibit B-3

That the rights, interests and claims of the following persons are subject to escrow under the Board's Order pooling the captioned Unit, Board Regulations and the Code of Virginia:

None

That after the pooling hearing held in the captioned matter, the following persons have leased or entered into a voluntary agreement with the Designated Operator:

None

that to the extent any of said persons listed in Exhibit B-2 have rights, interests and claims which are not subject to escrow, they should be dismissed as respondents; the Operator requests that the following persons be dismissed as Respondents:

None

That the persons identified in Exhibit EE attached hereto have entered into royalty split agreements that allow the Applicant/Designated Operator to pay them directly without the need to escrow funds which would otherwise be in conflict.

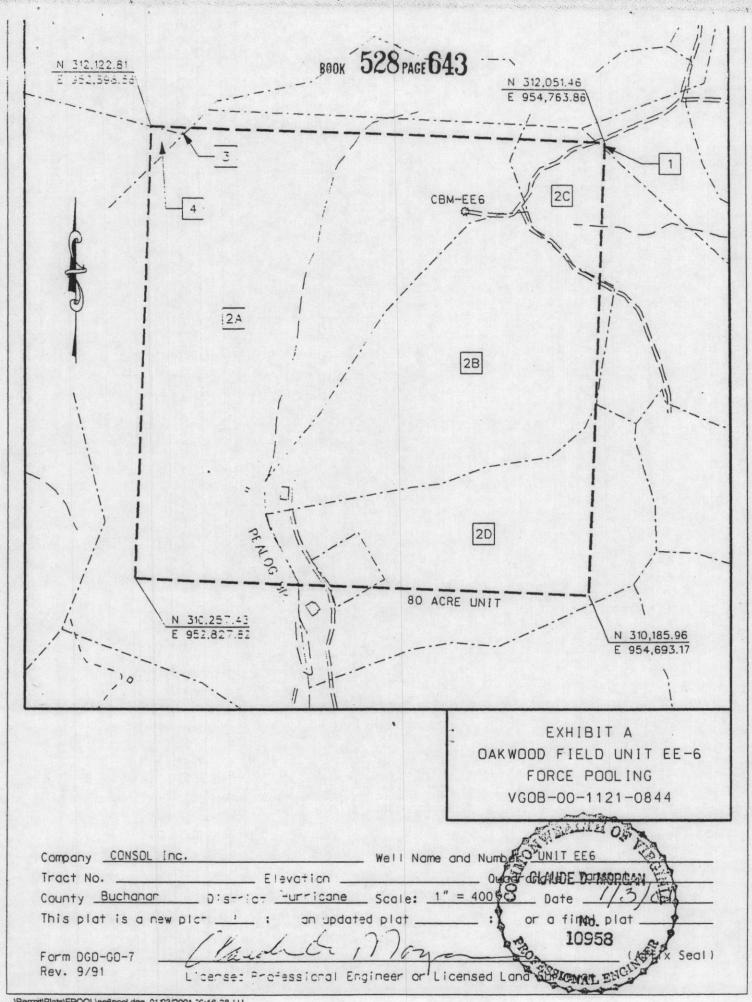
None

That pursuant to the provisions of VAC 25-160-70.A.10. and C. and VAC 25-160-80 the annexed supplemental order sets forth the interests and claims that require escrow of funds pursuant to Virginia Code sections 45.1-361.21.D. and 45.1-361.22.A.3. and 4.

Dated at Tazewell, Virginia, this 27th day of Leslie K. Arrington

Notary

My commission expires: 1/3801.



### CONSOL INC.

## UNIT EE-6 Tract Identifications

- Harrison-Wyatt, L.L.C., Tr. 15 Coal, Oil & Gas Island Creek Coal Co. - Coal Below Tiller Seam Leased Jewell Smokeless Coal Co. - Tiller and Above Coal Leased Buchanan Production Co. - CBM, Oil & Gas Leased Bernice Breeding, et al. - Surface 0.01 acres 0.0125 %
- Harrison-Wyatt, L.L.C., Tr. 14 Coal, Oil & Gas Island Creek Coal Co. - Coal Below Tiller Seam Leased Jewell Smokeless Coal Co. – Tiller and Above Coal Leased Buchanan Production Co. – CBM, Oil & Gas Leased 79.54 acres 99.4250 %
- 2A. Ernie L. Ray, et ux. Surface
- 2B. Rufus Barton, et al. Surface
- 2C. Bernice Breeding, et al. Surface
- 2D. Virgil Rasnake Surface
- Harrison-Wyatt, L.L.C., Tr. 17 Fee Island Creek Coal Co. – Coal Below Tiller Seam Leased Jewell Smokeless Coal Co. – Tiller and Above Coal Leased Buchanan Production Co. – CBM, Oil & Gas Leased 0.11 acres 0.1375 %
- 4. Bartemus Breeding Heirs Fee
  Equitable Resources Energy Company CBM Leased
  Equitable Resources Energy Company Oil & Gas Leased
  0.34 acres
  0.4250 %

# Exhibit B-3 UNIT EE-6 BOOK 528 PAGE 645 Docket #VGOB 00-1121-0844 List of Unleased Owners/Claimants

	Acres in Unit	Percent of Unit
COAL FEE OWNERSHIP		
Tract #4 - 0.34 acres		
(1) Bartemus Breeding Heirs	0.34 acres	0.42500%
Ella Ratliff Heirs		
(a) Dallas Ratliff, etux	0.0053	0.00664%
P.O. Box 11 Davenport, VA 24239	1/64 of 0.34 acres	
(b) Ruth McFarlane, Widow Erhart Road	0.0053 1/64 of 0.34 acres	0.00664%
Richmond, VA 23225	1704 OI 0.54 acres	
(c) Rissie Ottaway	0.0053	0.00664%
2307 Carolina Ave.	1/64 of 0.34 acres	
Roanoke, VA 24014		
(d) Blanche Rasnake, Widow	0.0053	0.00664%
P.O. Box 19	1/64 of 0.34 acres	
Oakwood, VA 24631		
(e) Arlene Lambert, etcon	0.0053	0.006649
467 Ferry Road	1/64 of 0.34 acres	
Fredricksburg, VA 22405		
Henry Ratliff Heirs		
	0.0053	0.006649
(a) Elsie Ratliff Rt. 1, Box 227	1/64 of 0.34 acres	
Vansant, VA 24656		
Quinten Ratliff Heirs		
(a) Sandra M. Shankin, etcon	0.0013	0.001669
19805 Macel	1/256 of 0.34 acres	
Roseville, MI 48066		
(b) Michael Ratliff	0.0013	0.001669
14386 E 9 Mile Road, Apt. 203 Warren, MI 48089	5/1282 of 0.34 acres	
(c) Quenton R. Ratliff, etux	0.0013	0.001669
6636 Old Farm Road Roanoke, VA 24018	1/256 of 0.34 acres	
(d) Robert Ratliff	0.0013	0.00166%
6811 Back Creek Road	1/256 of 0.34 acres	0.001007
Boones Mill, Va 24065		
Paul Ratliff Heirs		
(a) Bobbie Ratliff, Widow	0.0018	0.002219
Rt. 1, Box 366	1/192 of 0.34 acres	0.002217
Vansant, VA 24656		

	Acres in Unit	Percent of Unit
(b) Vernon E. Ratliff, etux 2480 Township Road, 371 NW Bremen, OH 43107	0.0005 1/673 of 0.34 acres	0.00063%
(c) Avis Ratliff, etux HC 4 Box 580	0.0005 1/673 of 0.34 acres	0.00063%
Council, VA 24260 (d) Judy Tedesco	0.0005	0.00063%
P.O. Box 1150 Lebanon, VA 24266	1/673 of 0.34 acres	0.000007
(e) Lois Hubbard, etcon P.O. Box 1498 Honaker, VA 24260	0.0005 1/673 of 0.34 acres	0.00063%
(f) David Rasnake, Widower Rt.1 Box 366 Honaker, VA 24260	0.0005 1/673 of 0.34 acres	0.00063%
(g) Martin Ratliff, etux HC4, Box 445 Council, VA 24260	0.0005 1/673 of 0.34 acres	0.00063%
(h) Rocky Ratliff Rt.1, Box 366 Vansant, VA 24656	0.0005 1/673 of 0.34 acres	0.00063%
Harmon Breeding Heirs		
(a) Harriet Owens, etcon P.O. Box 13 Davenport, VA 24239	0.0071 1/48 of 0.34 acres	0.00885%
(b) Annette Compton, etcon 14311 Aden Road Nokesville, VA 22123	0.0071 1/48 of 0.34 acres	0.00885%
(c) Ransome Breeding, etux P.O. Box 14 Davenport, VA 24239	0.0071 1/48 of 0.34 acres	0.00885%
(d) Benny H. Breeding, etux P.O. Box 2151 Pulaski, VA 24301	0.0071 1/48 of 0.34 acres	0.00885%
(e) Scarlett Breeding Alt, etcon 81 Bay Drive Annapolis, MD 21403	0.0071 1/48 of 0.34 acres	0.00885%
(f) Joy Brown, etcon 1623 Fairview Tularosa, NM 88352	0.0071 1/48 of 0.34 acres	0.00885%
(g) Fannie J. Vandyke, etcon 7813 Old Tarlton Pike Circleville, OH 43113	0.0425 1/8 of 0.34 acres	0.05313%

	Acres in Unit	Percent of Unit
Louisa Breeding Keen Heirs		
(a) Joe Perkins, etux Rt. 2, Box 381 Honaker, VA 24260		
(b) Jackie Perkins, etux Rt. 1, Box 128 Vansant, VA 24656	0.0017 39/7640 of 0.34 acres	0.00217%
(c) Jerry D. Perkins, etux Rt. 1, Box 421 Vansant, VA 24656	0.0017 39/7640 of 0.34 acres	0.00217%
(d) Grayson Perkins, etux Rt. 1, Box 106 Vansant, VA 24656	0.0017 39/7640 of 0.34 acres	0.00217%
(e) Clayton Perkins, etux Rt. 1, Box 104 Vansant, VA 24656	0.0017 47/9219 of 0.34 acres	0.00217%
(f) Audrey P. Harris, etux Rt. 1, Box 334 Cedar Bluff, VA 24609	0.0017 47/9219 of 0.34 acres	0.00217%
(g) Jo Ann Compton, etcon 431 Fairway Dr. Abingdon, VA 24210	0.0017 47/9219 of 0.34 acres	0.00217%
(h) Peggy E. Cox, etcon 525 Wright Road Kernersville, NC 27284	0.0017 47/9219 of 0.34 acres	0.00217%
(i) Sharlene Presley 9700 Brandywine Ave. Richmond, VA 23237	0.0121 1/28 of 0.34 acres	0.01518%
(j) David Keen, etux P.O. Box 315 Davenport, VA 24239	0.0121 1/28 of 0.34 acres	0.01518%
(k) Eunice Ray, Widow P.O. Box 596 Grundy, VA 24614	0.0121 1/28 of 0.34 acres	0.01518%
(I) Kenneth Keen, etux 1532 9th Street Cuyahoga Falls, OH 44221	0.0121 1/28 of 0.34 acres	0.01518%
Oakley Lockhart Heirs		
(a) Betty J. Tyson, etcon 57 Sawmill Road Columbia, VA 23038	0.0061 1/56 of 0.34 acres	0.00759%
(b) Lorn Lee Lockhart P.O. Box 741313 New Orleans, LA 70174	0.0061 1/56 of 0.34 acres	0.00759%

	Acres in Unit	Percent of Unit
(c) Geneva Presley, etcon 1215 W. Collinns Flatwoods, KY 41139	0.0121 1/28 of 0.34 acres	0.01518%
(d) Ella Sabol 9700 Brandywine Ave. Richmond, VA 23237	0.0121 1/28 of 0.34 acres	0.01518%
(e) Marie Eck, etcon 506 Granite Ave. Richmond, VA 23226	0.0121 1/28 of 0.34 acres	0.01518%
(f) Arville Keene, etux 17390 Wilson Street Dunfries, VA 22026	0.0121 1/28 of 0.34 acres	0.01518%
(g) Lena Keen 121 Timber Oak Drive Bristol, VA 24201	0.0121 1/28 of 0.34 acres	0.01518%
(h) James H. Keen, etux 2000 Kathy Drive Fairborn, OH 45324	0.0121 1/28 of 0.34 acres	0.01518%
(i) Willie Kyle Keen, etux 14128 Randall Drive Woodbridge, VA 22191	0.0121 1/28 of 0.34 acres	0.01518%
(j) Edna Owens P.O. Box 609 Vansant, VA 24656	0.0121 1/28 of 0.34 acres	0.01518%
Genora Presley Heirs		
(a) Matawaska Presley etux Rt.1 Box 190 Vansant, VA 24656	0.0071 1/48 of 0.34 acres	0.00885%
<ul><li>(b) Juanita Presley Tiller, etcon</li><li>50 East Ginghamsburg Rd.</li><li>Tipp City, OH 45371</li></ul>	0.0071 1/48 of 0.34 acres	0.00885%
(c) Draper P. Street P.O. Box 81 Doran, VA 24612	0.0071 1/48 of 0.34 acres	0.00885%
(d) Ilene P. Compton, Widow HC 4, Box 928 Council, VA 24260	0.0071 1/48 of 0.34 acres	0.00885%
(e) Howell Presley, etux Rt. 1, Box 201 Vansant, VA 24656	0.0071 1/48 of 0.34 acres	0.00885%
Aeolus Presley Lockhart Heirs		
(a) Wienthal Lockhart, etux P.O. Box 175 Davenport, VA 24239	0.0014 2/479 of 0.34 acres	0.00177%

		Acres in Unit	Percent of Unit
	(b) Hazel Boyd P.O. Box 102	0.0014 2/479 of 0.34 acres	0.00177%
	Davenport, VA 24239		
	(c) Temple Gilbert, etcon Rt. 1, Box 192 Vansant, VA 24656	0.0014 2/479 of 0.34 acres	0.00177%
	(d) Reva Bedwell, etcon P.O. Box 1061 Goochland, VA 23060	0.0014 8/1919 of 0.34 acres	0.00177%
	(e) Marla Jackson, etcon Rt. 2, Box 642 Pounding Mill, VA 24637	0.0014 8/1919 of 0.34 acres	0.00177%
II.	OIL & GAS FEE OWNERSHIP		
	Tract #4 - 0.34 acres		
	(1) Bartemus Breeding Heirs *	0.34 acres	0.42500%
	Ella Ratliff Heirs		
	(a) Dallas Ratliff, etux P.O. Box 11	0.0053 1/64 of 0.34 acres	0.00664%
	Davenport, VA 24239		
	(b) Ruth McFarlane, Widow Erhart Road Richmond, VA 23225	0.0053 1/64 of 0.34 acres	0.00664%
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	(a) Sandra M. Shankin, etcon 19805 Macel Roseville, MI 48066	0.0013 1/256 of 0.34 acres	0.00166%
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Council, VA 24260		
(d) Judy Tedesco	0.0005	0.00063%
P.O. Box 1150	1/673 of 0.34 acres	0.000007
Lebanon, VA 24266		
(e) Lois Hubbard, etcon	0.0005	0.00063%
P.O. Box 1498	1/673 of 0.34 acres	0.00000
Honaker, VA 24260		
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P.O. Box 2151	1/48 of 0.34 acres	0.0000070
Pulaski, VA 24301		

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Abingdon, VA 24210		
(h) Peggy E. Cox, etcon	0.0017	0.00217%
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Kernersville, NC 27284		
(i) Sharlene Presley	0.0121	0.01518%
9700 Brandywine Ave.	1/28 of 0.34 acres	
Richmond, VA 23237		
(j) David Keen, etux	0.0121	0.01518%
P.O. Box 315	1/28 of 0.34 acres	0.0101070
Davenport, VA 24239		
(k) Eunice Ray, Widow	0.0121	0.01518%
P.O. Box 596	1/28 of 0.34 acres	0.0101070
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(d) Reva Bedwell, etcon P.O. Box 1061 Goochland, VA 23060	0.0014 8/1919 of 0.34 acres	0.00177%
(e) Marla Jackson, etcon Rt. 2, Box 642 Pounding Mill, VA 24637	0.0014 8/1919 of 0.34 acres	0.00177%

<sup>\*</sup> All of the Bartemus Breeding Heirs' gas interest is leased by Equitable Resources Energy Company.